

REMARKS

Claims 1, 2, 4, 7, 11, 13, 14, 17, 34, 38, 61, 62, 64, 66, 68, 70, and 72-78 are pending in the application. Claims 1, 17, and 38 are amended herein. Claims 72-74 are new and supported in the specification, for example, at paragraphs [0065]-[0067].

35 U.S.C. § 112 Rejection

Reconsideration is requested of the rejection of claims 1, 2, 4, 7, 11, 13, 14, 17, 34, and 38 as being indefinite under 35 U.S.C. § 112, second paragraph. Without conceding to the propriety of the rejection and to advance prosecution, applicants have amended claim 1 to add "and/or oxidant" after the term "fuel." Thus, claim 1 and the claims that depend therefrom (claims 2, 4, 7, 11, 13, 14, 17, 34, and 72-74) satisfy the definiteness requirement of 35 U.S.C. § 112, second paragraph.

35 U.S.C. § 103 Rejections

Reconsideration of the rejection is requested of claims 1, 2, 4, 7, 11, 13, 14, 17, 34, and 38 as unpatentable over Minteer et al. (U.S. Application Publication No. 2005/0095466) in view of Dyer (U.S. Patent No. 5,094,928) and the rejection of claims 1, 2, 4, 7, 11, 13, 14, 17, 34, and 38 as unpatentable over Minteer et al. (U.S. Application Publication No. 2005/0095466) in view of Mercuri (U.S. Patent No. 6,517,694) under 35 U.S.C. § 103(a). In these rejections, Minteer et al. is applied as 35 U.S.C. 102(e) prior art. However, 35 U.S.C. § 103(c)(1) states the following.

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

In this case, the inventors of the subject matter claimed in the instant application and the inventors of the subject matter claimed in the Minteer reference were subject to an obligation to assign the invention to Saint Louis University at the time the instant invention was made. Thus, the Minteer reference is not prior art for purposes of a 35 U.S.C. § 103 rejection.

Allowed Subject Matter

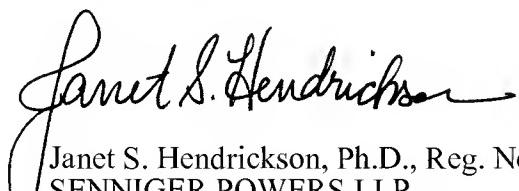
Applicants acknowledge the indication that claims 61, 62, 64, 68, and 70 are allowed. However, applicants believe that the current amendments to the claims along with the arguments render the remaining claims allowable as well.

CONCLUSION

Applicants submit that the present application is in condition for allowance and request early allowance of the pending claims.

The Commissioner is hereby authorized to charge any under payment or credit any over payment to Deposit Account No. 19-1345.

Respectfully submitted,



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